MR. M. K. CHANDRASEKHARA BHATTATHIRI (*The Travancore Jenmies South*): Sir, in the interpretation of the Government order which raises the age limit to 58.

PRESIDENT: That is out of order.

MR. S. NARAYANA AIYAR: Sir, the first point raised is the representation of backward communities in service. Sir, all initial recruitments are generally made by the Public Service Commissioner, and especially in the Financial Secretariat, only experienced men from the Accountant General's office are taken.

MR. M. K. NILACANTAN: സെക്രട്ടറിമാരുടെ ശമ്പളത്തിനും ഡിപ്പാർട്ടുമെന്റ് മേലദ്ധ്യക്ഷന്മാരുടെ ശമ്പളത്തിനും തമ്മിൽ വ്യത്യാസമുണ്ടോ ?

MR. S. NARAYANA AIYAR: ചില കേസ്സുകളിൽ ഉണ്ട്.

Hence, there is no direct recruitment in the Financial Secretariat. We take, if at all we do, experienced men from the Accountant General's office.

As for the representation of the backward communities, I may say that they are fairly represented. There are 3 Ezhavas, 2 Muslims, and one Pulaya in the superior service.

MR. A. K. BHASKAR: When you give the number as 3, does not that represent the total number?

MR. S. NARAYANA AIYAR: Three out of fifteen. As regards the delay in presenting the budget, I may point out that the meeting of the Finance Committee was held only very late so that the department was not able to place the budget earlier. But every attempt will be made to avoid the delay in future.

MR. VARKALA K. MADHAVAN:- I do not press the motion.

The question that Government be granted a sum of Rs. 2,98,803 —under Demand V—General Administration—Financial Secretariat Accountant General's office. Local Fund Audit Department and Divisional Accountants apprentices—was put to vote and carried. The demand was passed and the grant was made.

DEMAND No. VI—GENERAL ADMINISTRATION LEGISLATIVE BODIES—Rs. 97,950.

MR. C. P. GOPALA PANICKER: Sir, I move for a grant of Rs. 97,950 under Demand VI—General Administration—Legislative Bodies.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, I may be permitted to move cut motion No. 231 for bringing to the notice of the Government an important matter.

I move that the allotment of Rs. 97,950 under Demand VI be reduced by Re. 1.

MR. P. S. NATARAJA PILLAI: Sir, what about motions Nos. 225 to 230?

PRESIDENT: Mr. P. K. Kunju's motion is out of order. Mr. Chazhikattu Joseph's motion is out of order. So also, Mr. Nataraja Pillai's motion is out of order, because it does not come within 'Contingencies.'

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MR. P. S. NATARAJA PILLAI: Sir, it is given in the Budget under 'Allowances and Contingencies'. On page 106, it is shown under "Allowances and Contingencies."

MR. K. G. KUNJUKRISHNA PILLAI (*Advocate-General*): Sir, the appointment of Election Commissioners is a statutory duty and if under cut motion 226 A, the House were to decline the grant of the allowance, we would be unable to carry out a statutory duty.

MR. P. S. NATARAJA PILLAI: Sir, it is a votable item and so I thought it was for the House to decide whether they should vote for it or not. I do not realise how it is a motion that is not in order.

PRESIDENT: The honourable member will proceed.

MR. P. S. NATARAJA PILLAI: Sir, a sum of Rs. 2,000 is provided under this item. The election took place in 1119 and last year there was a provision of Rs. 5,000 or so. This year, a further provision is brought in for possible contingencies. My main complaint as far as that is concerned is, that the recommendations of the Election Commissioners as published in the Government Gazette were not such as to give confidence to the general public. The arguments on which they came to certain conclusions are such as has given a rude shake to the confidence of general public as regards the method of recruitment of the commissioners and the way in which the election petitions are decided. I thought I could bring all these to the notice of the Government better by making a reduction in this allotment. I believe most of the honourable members must have read the report and I leave honourable members to form their own conclusions as regards.....

MR. K. KOCHUKRISHNA PILLAI (*Tiruvella*): Has the honourable member any specific ground to raise in support of his argument?

MR. P. S. NATARAJA PILLAI: Sir, I will read a portion of the recommendations of the Election Commission on petition No 5 of 1120 in which the finding has been that there was corrupt practice by some person and that it was done at the connivance of an agent. One of the findings was that the agent was not appointed by the returned candidate. The agent himself swore that he did not represent that candidate. Sir, yet, on that sole and single ground, the commissioners recommended that the election should be declared invalid.

MR. K. KOCHUKRISHNA PILLAI: Have not the Commissioners to decide one way or the other in view of the evidence before them?

MR. P. S. NATARAJA PILLAI: Sir, decisions are made everywhere only in view of the evidence adduced. I am aware of that. It is in proper appreciation of it, the justice lies.

MR. S. SANKARANARAYANAN TAMPI: Sir, in supporting that motion of Mr. Nataraja Pillai, I have to bring to the notice of the House and of the honourable members that the appointment of the Election Commissioners and the payment of sufficient remuneration to them are absolutely necessary and my object is only to point out that proper persons should be appointed. But as has been pointed out by the honourable member the Legal Remembrancer, it is not so much

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in the matter of appointment of Commissioners, as in the appointment of proper persons who will give decisions on petitions based on the law.....

MR. K. G. KUNJUKRISHNA PILLAI : Will the honourable member specifically tell us what is the particular point on which the law has been impinged.

MR. S. SANKARANARAYANAN TAMPI : Sir, I am going to say that. Election Commissions have been appointed several times in the State and it has become a convention that the report presented by the Commissioners cannot be interfered with by the Government.....

PRESIDENT : We cannot interfere with that under the law. We have to carry out the provisions of the law.

MR. S. SANKARANARAYANAN TAMPI : Sir, if that is the position, it is all the more necessary that the body appointed by the Government to go into election petitions must carry with it the absolute confidence of the parties involved.

Sir, here, a specific case of a report has been pointed out by Mr. Nataraja Pillai in which a petitioner alleged that there was malpractice and corruption. The Commissioners being Judicial Officers, are expected to carry out justice according to the strict principles of evidence. Here, the election was declared null and void because a person has been found to have committed impersonation as the agent of the candidate against whom the petition has been filed. Let us examine what led the Election Commissioners to decide.

PRESIDENT : Order, order. I would request honourable members to pause seriously before embarking on such a discussion. The Government have been given the power to appoint an Election Commission. Certain rules have been laid down for the choice of the persons. So far as my memory goes, the members of the Election Court should be men who have held high judicial office or be experienced members of the Bar. So far as the Government are concerned, they generally choose men "Who have been or are members of the High Court Bench, being or having been a Judge of the High Court of Travancore, or having been a District Judge in Travancore for a period of not less than five years, or an Advocate for a period of not less than ten years." When, with these restrictions and limitations in view and with faith in their *bona fides*, Government select some gentlemen, their judgments have to be adopted by the Government. These rules are not peculiar to Travancore, they are universal. It may be that certain honourable members here think that a particular judgment is wrong. As a matter of fact, honourable members may recollect, for instance, that in the Supreme Court of the United States, a dissenting Judgment of one against seven, after a number of years, has been realised to be the best judgment. I will depreciate criticism of Judgments given by judicial or quasi-judicial officers—there is a controversy on that matter ; it will lead us into very serious difficulties. It is a matter which I cannot rule as out of order, but the honourable member will deal with it according to his discretion.

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MR. S. SANKARANARAYANAN TAMPI: Sir, I am alive to the observations that you have made, but the only way in which such things can be brought to the notice of the Government is by way of bringing cut motions. I shall for the information of the House, read a portion of the dissenting Judgment.

> "Where a charge of personation is laid, the onus of establishing every ingredient lies heavily on the petitioner as it is on the Prosecution in a criminal case. I do not think that the petitioner has satisfied this condition and I therefore rule that the petitioner....."

In the light of this finding the question whether P. W. 34 was the agent of the respondent or not does not arise for consideration." It is the primary principle of law, in all cases where a person alleges a particular conduct or offence against any other man, it is the duty of prosecution, to prove beyond any atom of doubt the guilt of the accused or the counter-petitioner as the case may be. But in this case neither has the prosecution proved beyond an atom of doubt the guilt of the accused nor has it been able to prove—if at all a guilt has been committed—the person by whom the guilt alleged has been committed.

MR. T. K. NARAYANA PILLAI: I would ask Mr. Tampi whether this House has any jurisdiction to go into the question even granting that all that he says is true.

MR. S. SANKARANARAYANAN TAMPI: I do not want this House to set aside the report of the Election Commissioner but I want to bring to the notice of this House that such irregularities are taking place and such irresponsibility is being.....

PRESIDENT: It is a vote of censure upon two out of three members of the Election Court.

MR. S. SANKARANARAYANAN TAMPI: Yes. In the matter of appointment also Government have to take a greater amount of care in choosing.....

PRESIDENT: Order, order. There is no doubt that one of the Judges was Mr. Ramakrishna Aiyar, the President of the Court. In the opinion of the Government, he was one of the ablest Judges who ever adorned the High Court Bench, and any amount of controversy on that matter will not make the Government come to a different conclusion because they consider that in uprightness of character and judicial qualities very few persons are equal to Mr. Ramakrishna Iyer and my personal respect for him is so great that I am greatly pained that such aspersions are made against him.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, may I point out for the information of this House that when Mr. Ramakrishna Iyer retired, he was the only Judge who was given a send-off by all the members of the High Court within the last 10 years.

MR. T. K. NARAYANA PILLAI: I ask the Advocate-General what bearing has that matter on the subject under discussion? (*Laughter*).

MR. K. G. KUNJUKRISHNA PILLAI: I am sorry, but.....

PRESIDENT: The other Judge was Mr. Paravoor Narayana Pillai, and the third was Mr. E. J. Philipose, who is now Administrator-General and whose eminence cannot be compared with that of the other two Judges in any way. I should not have spoken on this matter but for the circumstance that this is a vote of censure against two of the

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three members of the Court and Government are definitely of the opinion that the two members are so infinitely superior to the third member that they do not consider this vote of censure is deserved, and there can be no other alternative but to say so. That is my definite opinion, and if on any matter these two honourable gentlemen differed from Mr. Philipose, I should have had no hesitation—if I had the jurisdiction, which I have not!- to accept the opinion of these two rather than that of Mr. Philipose.

MR. T. K. NARAYANA PILLAI: I would like to ask the honourable member whether it would be just and proper for this House to discuss the conduct of two gentlemen who have no right to defend themselves.

PRESIDENT: Order, order. That is a matter to be borne in mind.

MR. S. SANKARANARAYANAN TAMPI: It is not my object to move a vote of censure.

PRESIDENT: Order, order. What else is it? The question is, a judicial body has decided that a certain election has to be vitiated for irregularity and has set aside the election. That judicial body is composed of three upright men. Two of those men had taken one view and the third had taken another view. What is sought to be said in this House is that the opinion of the two is wrong, that they should not be paid or that they should not have been paid. The motion is to omit the allotment of Rs. 2,000 being the remuneration to the Election Commissioners. Rs. 2,000 has been paid to them, but the meaning of this vote will be that the Rs. 2,000 was wrongly paid because their judgment was wrong. Honourable members of this House know that after all Judges may go wrong or may be right. But their payment is not conditioned upon whether they write proper judgments or improper judgments provided they are sound and honest judgments. Necessarily, therefore, this vote means that there are dissenting Judges and that the opinion of one dissenting Judge should have been accepted. As I said, the Government have no option in this matter, but they go further and say that it is wrong to move a vote of censure against a judicial body, but if this honourable House wants to do so, it can do so. It is their abstract, legal and residuary right to do so. The only thing is that Government must definitely express their view. Their opinion in fact has been expressed *viz.*, that they have great confidence in the Election Commission, that they have complete confidence in the judgment of the majority and that if Government had to decide whether the two men were right or whether the one man was right, Government would have no hesitation to agree with the opinions of the two rather than the one.

MR. C. P. GOPALA PANICKER: Sir, a point of order. This provision is not in regard to the payment of election charges for this year alone and even in the case of future charges.....

PRESIDENT: The honourable member is perfectly right in saying that the Government have paid Rs. 2,000 to men who have misconducted themselves, and that Government would therefore see to it that hereafter the people will not misconduct similarly. That is the object of the cut motion.

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MR. S. SANKARANARAYANAN TAMPI: I do maintain that the report of the Election Commissioners were legally wrong but I do not impute dishonesty.

PRESIDENT: If it is legally wrong, this House has no jurisdiction.

MR. S. SANKARANARAYANAN TAMPI: I would point out that the startling way in which the case was dealt with.....

PRESIDENT: Order, order. Either we discuss honestly or we discuss law and bad law. This House cannot possibly—I trust they will decline—go into the question whether the law expounded by a particular tribunal is right or wrong. This House is not qualified to do so. I do not, however, mean that there are not very eminent lawyers in this House but this House, as a corporate body, is not qualified to discuss law one way or the other, but if it is a question of impropriety, dishonesty or what may be called wrong bias, then this House is perfectly right to discuss it.

MR. S. SANKARANARAYANAN TAMPI: I do not proceed further with the matter.

PRESIDENT: The hononrable member may go on with his speech. I only wanted to say what I felt and which it was my duty to say as the Head of the Administration, because having been responsible for appointing persons, the honourable Judges should not think that they would be undefended when they should be attacked on the floor of the House by persons who have imputed very gross, irregularity and miscarriage of justice to them; two of them have retired and one of them is under extension of service. It is my duty to stand up for them and I have done so. If the House considers this matter to be so important, it can vote upon it.

MR. S. SANKARANARAYANAN TAMPI: This is a matter where the most valuable right and status of a person has been taken away.

PRESIDENT: They have not been taken away. You are at perfect liberty to finish your speech. A vote will be taken on the motion.

MR. S. SANKARANARAYANAN TAMPI: I do not go into the details. I support the motion by simply saying that the legal conclusions of the majority of the Commissioners is wrong.

MR. P. KOCHUKRISHNA PILLAI: Sir, it is not in my province to argue and convince this House, because I think that argument is superfluous, as the efficiency competency and ability of the Judge appointed by Government to enquire into the election petitions are well established, and their honesty and integrity are beyond question. Of course the members who spoke on the motion admit that they do not impute any dishonesty to the Election Commissioners but only say that the majority judgment in Election case No. V of 1120 is legally wrong. I do not understand on what legal grounds they base their arguments, because, on going through the judgment—I have carefully read it—I find, that, the majority view is perfectly sound on a fair and impartial appreciation of the evidence on record.

MR. S. SANKARANARAYANAN TAMPI: May I know from the honourable member whether it has been legally proved that P. W. 34 was the agent of the counter-petitioner?

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MR. K. G. KUNJUKRISHNA PILLAI: It has been legally proved. The returning officer said that it was the counter-petitioner.....

MR. S. SANKARANARAYANAN TAMPI: May I know whether any record was called for by the Commissioner's office to prove that P. W. 34 was the election agent?

MR. K. G. KUNJUKRISHNA PILLAI: It is a strange law. The Evidence Act lays down a number of divisions with regard to evidence. It is open to the Court to accept one version in preference to the other. The Returning Officer, in this case, came to the Court, swore before the Court and said that P. W. 34 was the agent. The Judges have accepted it.

MR. S. SANKARANARAYANAN TAMPI: I will read to the Advocate-General the portion of the judgement whether the evidence of Returning officer is discussed. In fact there ought to have been a list kept by the Returning Officer, of the agents appointed by each candidate. This was not done. In spite of that the Returning Officer remembers him to have been the agent. The documentary evidence should have been produced in the Court.

MR. K. G. KUNJUKRISHNA PILLAI: The matter does not rest there. The Returning Officer came to the Court, swore.....

PRESIDENT: I am surprised that the Advocate-General should intervene in this matter (*Langhter*) because the Advocate-General is not called upon—I trust he will not think it is his duty—to justify every page or every sentence of the judgment of a judicial tribunal. The judgment is there, and if the honourable members say that the law is wrong—they are saying what strictly is not within their competence to say because a member of the Legislature has no right, as member of the Legislature, to discuss the correctness or incorrectness of legal decisions. The honourable member is therefore not right to get up to defend the action of the Court or the text of the judgment. If it has to be so, the honourable member might very well say that any judgment of a judge if thoroughly wrong, is not supported by the evidence in the case and that his reading is different from that of the Judges. Therefore, he might also say that the salary of the Judges in question should not be voted upon by the Legislature (*Laughter*). I hope the Advocate-General would not do that.

MR. K. G. KUNJUKRISHNA PILLAI: I bow to your ruling.

MR. P. KOCHUKRISHNA PILLAI: I understand that the mistake pointed out by my friend Mr. Nataraja Pillai and his supporter was one of absence of consideration of material evidence in the case. It is pleaded that it is not proved that P. W. 34 was the agent of the counter-petitioner. But on a careful study of the report it can be seen that there is un-impeachable evidence on record to show that P. W. 34, Mr. P. N. Krishna Pillai, was the agent of the counter-petitioner. There is also conclusive evidence to prove that one voter was dead long before the election. The majority of the learned Judges found on the evidence that the personation was effected with the connivance of P. W. 34, which would be enough to avoid the election. It is on these grounds that the Judges found that P. W. 34 was one of the

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[Mr. P. Kochukrishna Pillai]

agents and that the personation proved fall within part I of Schedule V of the Electoral Rules. It is on the appreciation of the evidence and the procedure of the Election Court that the Honourable member and his supporters rested their arguments and pressed this motion. The arguments are absolutely baseless and unsubstantial and they should be ignored. Therefore they are not entitled to press this question for consideration of this House. On these grounds I strongly oppose the motion.

MR. T. K. NARAYANA PILLAI: With very great regret, I must oppose the motion of Mr. P. S. Nataraja Pillai. It is not open to this honourable House to sit in judgment upon the verdict of the Election Court. If, on the matters that were placed before the Election Commissioners, I were asked to give my verdict, I would have no hesitation in agreeing with the dissenting Commissioner, but my opinion is neither here nor there in considering the cut motion that has been placed before this House. The only question is whether this House has any jurisdiction to go into this matter. As it stands, the verdict of the Election Commissioners is final. It may however be said:—"Here is a wrong without a remedy." After reading the whole evidence, that was the impression which has been left in my mind.

My submission is that if we are to discuss this matter and if we are to vote for the cut motion we will be greatly led away by sentiment. I submit on this occasion as on previous occasions, we shall not be misled by sentiment. The question is this. The letter of the law must be followed by every one of us. The question is whether members of this House can sit in judgment over this matter. No doubt there is no question that the election commissions are competent. Nobody can respect Mr. Ramakrishna Aiyar who was the President of the Election Board more than I do. Nevertheless I feel that his verdict is wrong and inspite of my feeling that his verdict is wrong I am constrained to vote against the cut motion that is placed before this House.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: Sir, if Mr. Nataraja Pillai had made out a case, that this allotment is unnecessary on any other ground, then I would probably not have objected to it. But, Sir, the view that my friend and his supporters have taken is absolutely improper for the reason that if this House were to sit in judgment upon the finding of a legally constituted tribunal and if this House is to take a view which is contrary to that of the election commission we shall be placing ourselves and the election court in an awkward position. It will be very unsafe for this House to embark upon a discussion as to the legality or otherwise of the decisions of the election Court. Apart from that as this House as a body is not competent to sit in judgment upon the findings of the election court, it will be setting up a very unhealthy precedent. Moreover, it will be embarrassing not only to the election court as it is constituted now but also to the future election courts that will be constituted. I therefore appeal to

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this House, Sir, that motions of this nature ought not to be debated. Although this House may have a residue of powers to go into the merits of the matter what I would urge is that whether this House has power to go into this matter or not we should pass a self denying ordinance and should not embark upon discussions of this nature. On these grounds I would very strongly oppose the motion both on the content and on the spirit of the arguments that have been advanced.

MR. P. S. NATARAJA PILLAI: In view of the observations which fell from my revered friend Mr. T. K. Narayana Pillai that it is a wrong without a remedy, I beg permission of the House to withdraw the motion.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I oppose it.

PRESIDENT: Before putting this matter to vote I must make certain observations. I did not realise what election this was. I now find on enquiry that this was the election of a gentleman called Mr. Xavier Vincent. Before the judgment of the election court was delivered deputations waited on me to the effect that a member of court was to dissent and that the majority was against that member, and asking me to intervene and prevent any possible judgment which might invalidate the election. I got a letter which must be in the Secretariat. A person waited on me. He said he had the most irrefragable evidence that there was going to be a majority judgment and a minority judgment that the minority judgment was in favour of upholding the election and that the majority judgment was against the election. I declined to interfere. I pointed out that this was a judicial matter and that the intervention of the persons referred to was in the highest degree inexpedient and impolitic, and I further said that Government had no jurisdiction or right in this matter because their only right was to appoint an election tribunal, choose the best men, who in their opinion would deal with the matter equitably and leave it at that; because they had no further right. All that I am anxious to point out is, evidently this election has aroused a great deal of interest, some of it on the right lines and some of it on the wrong lines. I am very greately pained indeed that this matter was raised in which attempts were made to influence the Head of the Administration, to influence the election court—this might be made clear. In fact it was said that instruction might be given that the majority people should conduct themselves rightly and not be led away as they were apt to be. I then said to the person who waited on me that unless one of the members of the election court himself gave this information it was not possible for any one to come to a conclusion, that there was going to be a minority judgment and a majority judgment and that the minority judgment was in favour of upholding the election and the majority judgment was not in favour of upholding the election. I understand that the majority report in the matter of so and so will be against me even from the beginning. I have reasonable grounds to apprehend that justice will not be meted out if the report is against me. I beg to submit that I may be given an opportunity to present certain relevant facts before the Government through

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[President]

my advocate." That was what Mr. Vincent wrote to me. In pursuance of that other persons also tried to intervene. The whole procedure was so utterly irregular that I thought that people would forget the whole matter. But I am sorry that the matter has been re-agitated in this House.

MR. K. A. MATHEW: We disown that move and do not respect such a move.

PRESIDENT: I am glad to hear it. Question before the House is to omit the allotment of Rs. 2,000 for remuneration to election Commissioners.

The motion was put and lost.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I demand a Poll. A poll was taken and the House divided itself as follows :—

AYES.

1. Mr. K. T. Michael
2. ,, K. Varghese Ithac
3. ,, K. K. Chellappan Pillai
4. ,, A. P. Udayabhanu
5. ,, P. S. Nataraja Pillai
6. ,, K. A. Mathew
7. ,, P. M. Varghese
8. ,, V. I. Idicula
9. ,, S. Sankaranarayanan Tampi

NOES.

1. The Deputy President
2. Mr. H. C. Papworth
3. ,, T. K. Gopalan Nair
4. ,, G. Narayanan Tampi
5. ,, C. Kumara Das
6. ,, A. Narayanan Tampi
7. ,, C. P. Gopala Panicker
8. Dewan Bahadur L. Venkatakrishna Aiyar
9. Mr. S. Narayana Aiyar
10. ,, K. G. Kunjukrishna Pillai
11. ,, N. Ramakrishna Pillai
12. ,, Puliyoor T. P. Velayudhan Pillai
13. ,, V. K. Velappan Nair
14. ,, A. K. Bhaskar
15. ,, V. Gangadharan Nair
16. ,, K. G. Kesavan Nair
17. ,, P. S. Gopala Pillai
18. ,, R. Madhavan Nair
19. ,, M. K. Neelakantan
20. ,, K. Sukumaran
21. ,, Varkala K. Madhavan
22. ,, J. T. Morais
23. ,, T. K. Narayana Pillai
24. ,, V. Madhavan
25. ,, K. M. Paul
26. Mr. Chazhikattu Joseph
27. ,, P. K. Kuriakose
28. ,, K. A. Mahomed
29. ,, M. K. Mahommed
30. ,, J. W. Tolson
31. ,, M. R. Ramakrishna Pillai
32. ,, V. Sreedharan Pillai
33. ,, A. Nesamony
34. ,, V. S. Krishna Pillai
35. ,, P. Kochukrishna Pillai
36. ,, P. K. Kunju
37. ,, P. O. Thomas
38. ,, D. Thomas
39. ,, E. K. Madhayan
40. ,, C. S. Lakshmana Aiyar
41. ,, Thiraviam Nadar
42. ,, S. Krishna Aiyar
43. ,, M. L. Janardhana Pillai
44. ,, K. R. Narayanan
45. Sry. T. Narayani Amma
46. Mr. P. S. Mahommed
47. ,, K. C. Karunakaran
48. ,, K. G. Thomas
49. ,, T. T. Kesavan Sastri
50. ,, M. K. Chandrasekhara Bhattathiri
51. ,, P. Yesudian
52. ,, P. R. Atchuthan

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NEUTRAL (1).

1. Mr. G. Parameswaran Pillai.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I may be permitted to move this cut motion for a purpose other than what is stated in the list of motions supplied to us.

PRESIDENT: You can do that.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir I move for the reduction of the allotment of Rs. 97,950 under demand 6 by one rupee. In moving this cut motion I want to impress upon the Dewan President and the honourable members of this House a very important matter concerning the rights and privileges of the members of the Travancore Legislature. Sir, very often statements have been made on the floor of this House by certain honourable members pointing out to the President whether rightly or otherwise the instances of breaches of rights and previleges by outsiders especially by the press. The object and purpose of privileges are (1) to protect and uphold the dignity and authority of the House; (2) to enable the members, both individually and collectively to discharge their constitutional functions and responsibilities in very effective manner. Sir, a public institution like the legislative bodies reflecting the voice of the people in the administration of the country cannot function to its best advantage unless its rights and privileges are adequately protected by statutory rules. Sir, the only safeguard for protection of the rights and privileges of the members of the Travancore legislature is that contained in Section 27 of the Travancore Legislative Reforms Act. It runs as follows:

> "Subject to the rules and Standing Orders affecting the Chamber there shall be freedom of speech in both Chambers of Legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber or by reason of anything contained in any official report of the Proceedings of either Chamber."

Sir, our Section 27 which I have already read out is almost similar to Section 22 of the Mysore Government Act of 1940. But in the Mysore Act, by another privilege a member is not liable to arrest and detention under a civil process during the continuance of any meeting of the Council in exercise of the powers under Section 39 of the Mysore Act. The president as the representative and custodian of the privileges is exempt from the jurisdiction of any court. Sir, in British India under Section 35.....

MR. K. K. CHELLAPPAN PILLAI: On a point of order, Sir. How does this question come under this motion?

PRESIDENT: Order, order. The honourable member is rather new to this House and therefore I shall make it clear. Under cut motions on the total amount, a person can speak on any subject relating to the administration of that matter. That is why I have generally asked for motions not to be on specific matters like allowances or contingencies but for omissions of the total grant. He might have given this cut motion for a particular purpose but it is open to him to range over the whole field of the particular demand.

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MR. PULIYOOR T. P. VELAYUDHAN PILLAI: In British India under Section 35 of the Civil Procedure Code a period of 14 days is allowed before the commencement and after the close of the Legislature or of any meeting of any committee thereof during which a member is not liable to arrest or detention. But this provision is absent in Section 98 of the Travancore Civil Procedure Code. It need hardly be stated that any growing institution like Legislative Assembly must keep abreast of the times, and take adequate steps to fulfil its functions. Whenever any question of such rights and privileges arises here, the decisions given by the Chair is mainly based on conventions, practices and usages obtaining here and elsewhere. Section 71 (2) of the Government of India Act of 1935 authorises every provincial Legislature to define by its own Act what the privileges of the members shall be, apart from those mentioned in the section itself. But there is no such provision in our Act of 1108. In Mysore also the same was the case.

PRESIDENT: What does the honourable member suggest?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I would suggest the constitution of a Committee of Rights and Privileges to go into the whole question and submit its report for the consideration of both the Houses of Legislature. The Government may be pleased to take necessary steps to implement the recommendations of the two Houses. I am definitely of the view that such a committee is necessary to safeguard the rights and privileges of the members of the two Chambers. With these observations, I commend my motion for the unanimous acceptance of the House.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: Sir, I wish to add a few remarks to what Mr. Velayudhan Pillai stated. Sir, it is very necessary that this House should build up privileges gradually. The other day, the view was expressed on the floor of the House that the Legislature is a statutory body and as a statutory body it has got only such rights and privileges as have been given to it by the statute. I am not inclined to take that view. The privileges and rights which have been claimed and exercised by this House in the past have not been based upon privileges given to it by the Statute. They are privileges which have been gradually worked out through years. The House of Commons itself did not have any privileges conceded to it by statute. It built up privileges gradually and similarly this House also should build up privileges gradually. I may refer to an instance where this House exercised certain privileges beyond the purview of those that have been given to it by the statute. It was in a case where a member of this House was attacked from outside on the speech of a member of this House was grossly misreported in a news paper. It was brought to the notice of this House and it was held that it constituted a breach of privilege. Similarly, we should build up gradually so that we may not be restricted or tied down by the terms of the statute. I therefore, approve of the proposal brought forward by Mr. Velayudhan Pillai. And while he would have a committee constituted for the life of the session I would suggest that a committee be constituted for every

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session as is the custom elsewhere. This committee should have powers to go into the questions of privilege which may arise from time to time and its recommendations may be considered both by the President and the House and very healthy privileges and conventions may be set up.

MR. P. O. THOMAS: I move to reduce the total allotment of Rs. 97,950 under Demand VI by Re. 1.

PRESIDENT: You can speak on any subject you like. I thought I made my ruling clear. If several honourable members have given notices of motions for reduction of the total grant, only one vote is taken; as many votes as the number of motions given notice of are not taken. Any one who is first in order moves it and the other honourable members speak on the subject which they have adverted to.

MR. P. O. THOMAS: I want to urge upon the House the necessity of answering questions put by members promptly and properly and also of providing more time and convenience to members to present their views on matters of public interest.

This House is appointed primarily to advise the administration on matters of public interest and as per Rule 34 of the Manual, 'subject to the conditions and restrictions made by the rules, any member may ask any question on matters of public interest and public concern.' It is a valuable right of any member to ask a question relating to public concern and the Government or the department concerned are to prepare the figures and the data to enable them to answer questions put by any member of this House. To several questions, answers are not given promptly, and it was pointed out by one member that a question which was sent eight months ago still remains unanswered. That practice of not giving a prompt answer is reprehensible and is, in a way denying the rights of this House.

Then there is another thing which also is tantamount to denying the rights of this House according to Rule 34 of the Manual. That is, very often we get answers like this. "The time and labour involvedis not commensurate with the benefit that would be derived from it." There is a logical fallacy in the very answer itself, because the benefit to be derived by asking that question is to be decided not by the Government or the member who answers that question, but by the member who asks the question, and also by the House which will be informed on the matter involved in the question. Therefore such an answer is also reprehensible in as much as it denies the valuable right of this House.

Then as I stated on another day, there is another form of answer: 'the honourable member is requested to refer to the Civil List.' These answers are in a way.....

PRESIDENT: Order, order. This is a distinction with a difference. The honourable member's observations with regard to the answers given by the Government do not arise out of this motion or out of this demand. This is a demand asking for a certain amount to be given to legislative bodies in order to enable them to function. The answers given by Government and the insolent character or nature of such

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answers are matters which are derogatory of the position of Government and any observation of this kind is tantamount to a vote of censure on Government. Votes of censure—it is a very definite rule - are generally moved only on the motion in regard to the General Administration.

Then the honourable member says that Government or the member answering on behalf of Government should not give as his answer the following: The time and labour involved in the gathering of materials is incommersurate with the benefit.' That might be an error of judgment or a mistake or something worse. But the fact that it is right or wrong does not affect the Legislative Body or the rules in the matter. It affects the right of Government to answer or not to answer questions. Therefore these discussions do not arise on this demand.

MR. P. O. THOMAS: The member who answers is a Government officer who is also a member of this Assembly. So if the purpose for which the questions are put is not served by such answers.....

PRESIDENT: Order, order. This body is constituted for the purpose of co-operating with Government in certain matters. Questions are put to Government. Anyone answering on behalf of Government is answering qua member of Government. And Government have the right to answer or not to answer; Government can say 'we do not propose to answer this question.' That is allowed in any legislature. Government can say 'we have not got the time to answer the question.' The Government have also got the right to say that public interest will not be served by the answer. By reference to the practices in other Legislatures I have found that Government have the right to say that they consider that the answer is not necessary or that it will involve so much labour which is not worth taking. It does not mean that Government will go scotfree. If Government adopts such an attitude and this House considers that that attitude is wrong, there is a method open to the House and that is to state under the General Administration demand, that the attitude of Government towards the Legislature is either insolent or capricious and therefore Government is to be voted adversely against. That is a vote of want of confidence on Government which can be moved only under General Administration demand. Such matters had come up but motions similar to those regarding tapioca control having taken up practically the whole time, the other motions did not come up for discussion.

MR. P. O. THOMAS: I take it that it is a ruling.

PRESIDENT: It is a ruling to this extent and to this extent only, namely that any animadversions against Government for adopting a particular line of answering does not come within the four corners of this demand. To that extent alone is it a ruling.

MR. P. O. THOMAS: Sir, then I would like to bring to the notice of the House about the fact of the honourable members not getting sufficient time to present their views on matters of Public interest.

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Sir, regarding this matter, with due respect to your intentions, I must say that there is an anxiety expressed by the Dewan as such to explain and defend some matters involved in questions which are primarily meant to present grievances of the representatives in their localities and other things. I am afraid that very often the Dewan President misunderstands the import of those questions or arguments advanced by the honourable members and tries to defend the position of the Dewan himself as such. I must submit, Sir, that it is a wrong apprehension on the part of the Dewan President. Sir, we have got the right to bring to the notice of the Dewan President certain matters by asking questions and raising certain arguments and they are all directed against certain departmental officers in the State. Sir, the reputation of the Government or the reputation of the administration as such is not involved in that series of questions or arguments of ours.

PRESIDENT: What does the honourable suggest as to what the Dewan did?

MR. P. O. THOMAS: Sir, the Dewan very often tries to explain matters and in doing so he tries to defend the position of Government. On the other hand, I will request the Dewan President to gather impressions from our questions and arguments. I may inform this honourable House that we do not ask these questions and present these arguments on the belief that every point suggested in those things will be accepted by Government. That being so, I may say that the Dewan may kindly get rid of the anxiety to convince us. All that I would request the Dewan to do is that the President may gather the impression created by the questions put by us the answers given and try to rectify the grievances indicated therein.

PRESIDENT: Order, order. The honourable members will realise that so far as the Dewan is concerned, he intervenes generally though probably not invariably where a question of principle or question of policy is involved. Not otherwise. Under the present constitution, he is the main adviser of His Highness in the State. Honourable members may know that notices of questions are given far in advance and the admission of them are vested in the Dewan as President. Dewan as the Head of the Administration has to ask the Departments concerned to supply the information. After that, the information is placed before the honourable members. During question time, supplementary questions are asked in regard to those matters. That is the position. The honourable member may rest assured that additional matters raised therein will be again gone into thoroughly in the administrative sphere and whenever something has to be said in matters of detail the Heads of Departments can say so and when the question of policy is involved therein, the Dewan may outline that at the proper time. The honourable member may rest assured that Government do not want in the slightest degree to hamper the full freedom of the honourable members. They are at liberty to put questions and push them to their ultimate and logical conclusion. The honourable members may

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perhaps think that the Dewan's manner or his method of presenting the case is either too arbitrary or abrupt or anything of the kind. All that I would inform the House is that the members too may equally be abrupt or anything of the kind and try to contradict the Dewan. That course will not be misunderstood by the Dewan. Unless such a course is adopted things could not be carried on and I am sure that the honourable members may know that the Dewan does not disbelieve in any contradictions but rather encourages and welcomes contradictions. So, the honourable member need not be discouraged in any manner on this issue.

MR. P. O. THOMAS: Sir, regarding the right of the Dewan President, I do not question. I have not questioned either.

PRESIDENT: As I said the honourable member need not be discouraged. If I should then the honourable member concerned may equally do that in greater degree and get through business.

MR. P. O. THOMAS: Then, Sir, there is another difficulty. If the honourable member who tries to present ideas by a series of questions or arguments is confronted by such interruptions and statements from the Dewan as such, he may find it difficult to bring home to Government all that he intends. That is a serious aspect for consideration. Again, Sir, the statements of the Dewan however instructive and interesting they may be, take a portion of the valuable time of the honourable House. This is another aspect.

PRESIDENT: Order, order. I have already dealt with that matter and I have said that, as things are at present, it becomes the duty of the Dewan, whenever necessary, to elucidate the policy of Government and make statements so that the various problems raised may be seen in their proper perspective. I fully grant the argument for having a separate President for the Assemly. But that is a matter which has to be considered in course of time. But so long as the President of the Assembly has got the right of regulating the proceedings of the Assembly and is also the Head of the Administration, he has got both the rights of President and the Dewan to be exercised. It may be that sometimes the the one function or the other is over exercised. That is one of the risks of the constitution.

MR. K. A. MAHOMED: Sir, could we not build up a convention that the Deputy President may preside in place of the Dewan?

PRESIDENT: I do not propose to establish that convention.

MR. P. O. THOMAS: Sir, I am satisfied with the explanation given from the Chair as regards the difficulties presented in the present constitution of the House.

PRESIDENT: Order, order. As observed by Mr. Mahomed, in other words, he wants the Deputy President to take the Chair when the Dewan makes the statements and then I should come and occupy the Chair. Is that the idea?

MR. K. A. MAHOMED: Far from it.

PRESIDENT: Then what is the function you are thinking of for the Deputy President?

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MR. K. A. MAHOMED: Sir, under the present Act, there is the Deputy President to preside over the deliberations of the Assembly. A convention can be set up that as far as possible he may be asked to take up the Chair in the absence of the President.

PRESIDENT: Where is the Dewan to be then? There is only one Chair here.

MR. K. A. MAHOMED: That is why I said there should be a convention that the Deputy President should take the Chair.

PRESIDENT: It means therefore that the Dewan should not be in the House. Then there is nobody to make a statement on behalf of Government. It comes to that position.

MR. K. A. MATHEW: Sir, is it not possible for the members in the Treasury Bench, say Secretaries to Government, to make statements on behalf of the Dewan?

PRESIDENT: It is the Dewan himself who has to make the statements and that can be done only in the House. In that case, it will only mean that two statements will have to be made. But—

MR. K. A. MATHEW: Sir, does it mean that the Secretaries cannot reflect the views of Government?

PRESIDENT: Not at all. Most of these matters at this juncture are considered as matters of policy. Not one of the Secretaries to Government knows what the ultimate policy of Government is because various subject are in the hands of various Secretaries. The various portfolios are in the hands of different Secretaries and as such one may not know definitely what the policy is or the stage at which it lies. Unfortunately that is one of the drawbacks of the system. Undoubtedly that is the position. Under the present system, none of the Secretaries can make a statement on matters of policy. Of course what can be done will be this way. On every occasion when the question of policy comes up, there might be a conference of the Dewan between the various Secretaries wherein he might indicate such and such as the policy. In that way the Dewan might announce the policy on a particular question. Supposing the question of policy comes from the nature of the supplementary question that is put here. Generally such a situation arises. In that case where is the Dewan to have a conference with his Secretaries? Therefore, the honourable members will realise that kind of difficulty, will always arise. Unless the Dewan is on the Treasury Bench, such difficulties will crop up. As the leader of the Treasury Bench and when there is a President, he can enunciate policies. Then such questions will not arise. For instance, I will illustrate. In the days of Gladstone, no question was ever answered by any of his ministers. Every question was answered by him so much so he practically took part in every resolution. In the days of Disraeli, more or less the same practice was adopted so much so he broke down in health. Afterwards, there came about a convention when members divided the subjects. So the point is until the constitution is modified, such difficulties are bound to arise.

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MR. K. K. CHELLAPPAN PILLAI: Sir, in that case if there is a Chief Secretary he can be asked to co-ordinate the policies of Government. He is the proper man to make statements then. Could not such a way be found out?

PRESIDENT: I thought I made that point clear. I may say that a very capable Chief Secretary found it impossible to deal with such matters with that amount of expedition when it became necessary to change the system altogether. I have my own experience of the system. This honourable House has complained that things must be improved. In Madras quite a different system prevails. In the Government of India also the system is different. When I came here there was the Chief Secretary. I found that led to so much centralisation of effort. I found that he was unable to devote any time to the main problem.

MR. K. A. MATHEW: Sir, I have observed that during former times at the time of the former Dewans, statements on behalf of Government were used to be made by the Chief Secretary to Government and only on rare occasions the Dewan made them.

MR. P. O. THOMAS: Sir, I would request you to leave the members free to corner the members on the Treasury Bench as far as possible and it will be of the greatest advantage to both the honourable members on this side of the House as well as you, Sir, as the Dewan.

Then, I would like to bring to your notice a grievous wrong already done just two days ago. There is a general feeling among the few members here that we were not given sufficient time to comment on the Budget.

PRESIDENT: Why?

MR. P. O. THOMAS: Because the trouble arose like this. There were only two days and though many wanted to speak, those in the priority list got more time and towards the close, there was very little time for the remaining members to speak. Some were also excluded from giving comments because of want of time. I just bring that matter to your notice for rectification of that mistake at least next year.

Then I turn to certain matters in the budget. There is an attempt to take away the liberty of the members from making comments on certain amounts provided for in the Budget. I bring to your notice grant No. 33 Miscellaneous charges. I am referring to page No. 112 of the Budget Memorandum and the Budget Head 45. In the miscellaneous, there is provision for 22 lakhs and odd.

PRESIDENT: How does that arise under this Demand?

MR. P. O. THOMAS: Because that is the right of the Legislative bodies.

PRESIDENT: What is your point?

MR. P. O. THOMAS: My point is that certain details are not given in the Budget. They could have been commented on by this House if only the details were mentioned in this budget?

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PRESIDENT : The honourable member is entirely out of order. The whole point is for the Financial Secretary and if he has not given the proper detail in the proper way, the matter should be taken under the Financial Demand. This is not the appropriate Head of discussion. On the other hand, if the Government is concealing or taking something of that kind it should come up under General Administration. Anyway the point raised by the honourable member does not come under Legislative Bodies. The grant of T. A. to the members of the Legislature, housing accommodation of the members, the manner of work of the Legislature these are matters which could appropriately come here.

MR. P. O. THOMAS : Because the members are not allowed to discuss that, is there not a right to get information?

PRESIDENT : That particular information was not furnished in the Budget according to the member. If that defect is with the Financial Secretary or the Government, that matter should be remedied in the appropriate time in the appropriate manner.

MR. P. O. THOMAS : If it is out of order, then I have nothing more to say.

MR. K. M. PAUL : My object in tabling the cut motion is to bring home to the Government the necessity for providing residential quarters for members of the Legislature. But since that matter has been satisfactorily solved by the announcement of the Government, I would refer to one other matter.

As the honourable member Mr. Thomas has just referred I also want to touch upon the subject of giving chances to all the members of the House to take part in the General Discussion. I may say that some of us were exceptionally unfortunate in not getting a chance either last year or this year to speak at the time of the General Discussion of the Budget. During the first day of the General Discussion the members who got earlier chances spoke, some of them, even for 40 minutes. I duly submit that if there was an equitable distribution of the time at our disposal, more members would have got a chance. So, to obviate the difficulty, I would suggest that our rules may be so modified as to provide 3 days instead of 2 for the general discussion of the budget.

MR. P. M. VARGHESE : സർ, ഈ രാജ്യത്തുള്ള നിയമസഭാമന്ദിരത്തിൽനിന്നുകൊണ്ട് ഇതൊരു നിയമസഭയാണോ എന്നു ഞാൻ സംശയിക്കുന്നു എന്നു പറഞ്ഞാൽ, പക്ഷെ ബാക്കിയുള്ള മെമ്പറന്മാർ എന്നെ എതിർക്കുമായിരിക്കും. ഒരു മെമ്പറെന്ന നിലയിലുള്ള എന്റെ അനുഭവത്തിൽ നിന്നും നോക്കിയാൽ ഇവിടെ വല്ല നിയമനിർമ്മാണവും നടക്കുന്നുണ്ടെങ്കിൽ അതു പണക്കാരായ മുതലാളിമാർക്കുള്ള നിയമനിർമ്മാണമല്ലാതെ രാജ്യത്തെ കർഷകരായ ഗ്രാമീണരായ അനേകലക്ഷം പേർക്കു വേണ്ടി ഇവിടെ ഒരു നിയമവും ഉണ്ടാക്കുന്നതായി കാണുന്നില്ല.

PRESIDENT : How does that discussion arise under 'Legislative Bodies'?

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MR. M. L. JANARDHANA PILLAI : മെറോണിറി ബെനിഫിറ്റ് ആക്റ്റ്, പേമെൻറ് ആഫ വേജസ് ആക്റ്റ് ഈ ആക്റ്റുകളെല്ലാം പണക്കാർക്കുവേണ്ടിയാണോ ഇവിടെ പാസാക്കിയത് ?

MR. P. M. VARGHESE : അതു കർഷകതൊഴിലാളികൾക്കുവേണ്ടിയല്ല അഭ്യൂക്ഷസ്ഥാനത്തുനിന്നും ഈ സഭയിലുള്ള കമ്മിറ്റിമെമ്പന്മാർ ശരിയായ കമ്മിറ്റികൾക്കു ഹാജരാകാത്തതുകൊണ്ടു നിയമനിർമ്മാണം സംബന്ധിച്ച ജോലികൾ കൃത്യമായി നിവ്വഹിക്കപ്പെടുന്നില്ല എന്നു ചൂണ്ടിക്കാണിക്കുകയുണ്ടായി. ഈ സന്ദർഭത്തിൽ വേറൊരു സംഗതികൂടി ഈ സഭയുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരണമെന്നു ഞാൻ ആഗ്രഹിക്കുന്നു. ഈ സഭയിലെ മെമ്പറന്മാരുടെ അണറേറിയം സംബന്ധിച്ചു കുറെകാലമായി പ്രായം ഉണ്ടായി, അതിൽ എന്തു മാറ്റങ്ങൾ ഉണ്ടാക്കണമെന്നു നിർദ്ദേശിക്കണമെന്നു പറഞ്ഞിരുന്നിട്ടും ആ സംഗതി വാദവിഷയമായി ഇതുവരെ ഇവിടെ കൊണ്ടുവന്നിട്ടില്ല.

PRESIDENT : This is the opportunity. In fact I was expecting some motion on that subject. This would have been the most legitimate occasion when the matter could have been discussed. The honourable member is perfectly entitled to say what he wants to say on the matter.

MR. P. M. VARGHESE : സർ, അണറേറിയം ആദ്യമായിട്ടു ഇവിടെ പ്രഖ്യാപിക്കപ്പെട്ടപ്പോൾ ആ പരിധിയിൽനിന്നുകൊണ്ടു കമ്മിറ്റികളുടെ വർക്കുകൂടി ചെയ്യണമെന്നു ഗവണ്മെൻറു പ്രസ്താവിച്ചിരുന്നു. കമ്മിറ്റിമെമ്പറന്മാർ ഓരോരുത്തരും ഞങ്ങളുടെ അടുക്കൽ സമീപിക്കുകയും, അവരാണു അതിൽ ജോലി ചെയ്യുവാൻ താണിയുള്ളവരെന്നു ഞങ്ങളെ പറഞ്ഞു വിശ്വസിപ്പിക്കുകയും ചെയ്തതനുസരിച്ചു് അവരെ തെരഞ്ഞെടുക്കുകയും ചെയ്തു. എന്നാൽ ആ സ്ഥാനത്തിൽ അവർ എത്തിക്കഴിഞ്ഞപ്പോൾ കമ്മിറ്റികളിൽ ഹാജരാകുന്നതിനു അവർക്കു അലവൻസു കിട്ടണമെന്നു പറഞ്ഞുതുടങ്ങിയിരിക്കുന്നു. ഇതു കാണുമ്പോൾ അവരുടെ വിശ്വസ്ഥതയെപ്പറ്റി ആരും സംശയിച്ചുപോകും.

MR. K. BALAKRISHNA MENON : Is it not a reflection on the character of the members of this House ?

PRESIDENT : Let him say what he has got to say.

MR. P. M. VARGHESE : സർ, രാജ്യത്തെ ബഹുലക്ഷം ജനങ്ങളെ പ്രതിനിധീകരിച്ചുകൊണ്ടു ഇവിടെ വന്നിരിക്കുന്ന ബഹുമാനപ്പെട്ട മെമ്പറന്മാർ, അവർ ഏതു ത്യാഗവും സഹിക്കാൻ സന്നദ്ധരാകുമെന്നുള്ള

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ബോധം അവരുടെ നിയോജകമണ്ഡലത്തിലുള്ള ജനങ്ങൾക്കും നൽകി കൊണ്ടാണ് ഇങ്ങോട്ട് വന്നിരിക്കുന്നത്. ഇവിടെ തെരഞ്ഞെടുത്തയക്കാത്ത മെമ്പറന്മാരുണ്ട്. അവരെ ഞാൻ ഇതിൽ ഉൾപ്പെടുത്തുന്നില്ല. അവരെപ്പറ്റി ഞാൻ ഒന്നും പറയുന്നുമില്ല. ഇപ്രകാരം കമ്മിറ്റികളിൽ ഹാജരാകാതിരിക്കുന്നവരുടെ പേരിൽ, ഈ സഭകളുടെ സെഷനുകളിൽ തുടർച്ചയായി ഹാജരാകാതിരിക്കുന്നവരുടെ പേരിൽ എന്തു നടപടിയാണോ ഗവണ്മെന്റ് നടത്തുന്നത് അതേ നടപടിതന്നെ നടത്തണമെന്നാണ് എനിക്ക് പറയുവാനുള്ളത്. ഞാൻ ഉൾപ്പെടുന്ന ഈ കക്ഷിയിലുള്ള ചില മെമ്പറന്മാർ ഇപ്രകാരമുള്ള കമ്മിറ്റികളിലുണ്ട്. ഈ മെമ്പറന്മാർ എല്ലാ കമ്മിറ്റികൾക്കും ഹാജരായിട്ടുമുണ്ട്. എന്നാൽ ചില അവസരങ്ങളിൽ കോറം തികയാത്തതുകൊണ്ടു കമ്മിറ്റിക്കൂടാതെ അവർക്കു തിരിച്ചു പോകേണ്ടി വന്നിട്ടുണ്ട്. വീണ്ടും അവർ അതേ കമ്മിറ്റിക്കുതന്നെ യാത്രചെയ്യേണ്ടതായി വരുന്നു. അതുനാൽ പല പ്പോഴും ഇവർക്ക് യാത്രച്ചെലവിനത്തിൽ ഇരട്ടിനഷ്ടം സഹിക്കേണ്ടി വരുന്നു. ഇങ്ങനെ നഷ്ടപ്പെടുന്ന യാത്രച്ചെലവു ആയിരമോ മാണോ ഉത്തരവിയ്ക്കുന്നത് അവരിൽനിന്നും ഈടാക്കേണ്ടിയും ഇരിയ്ക്കുന്നു.

MR. CHAZHIKATTU JOSEPH : അവർ, തിരുവനന്തപുരത്തു അങ്ങ് സ്ഥിരമായി താമസമാക്കിയാൽ ഈ നഷ്ടം കൂടാതെ കഴിക്കാമല്ലോ.

MR. P. M. VARGHESE : അതിനു സൗകര്യമുള്ളവർ തിരുവനന്തപുരത്തു താമസിക്കട്ടേ. എനിക്കു വിരോധമില്ല.

MR. P. S. MAHOMED : മെമ്പർ തിരുവനന്തപുരത്തു താമസമാക്കിയതു ഇവിടെ മെമ്പറായതിനു ശേഷമല്ലേ ?

MR. P. M. VARGHESE : അതെ. ഞാൻ ആദ്യം പറഞ്ഞതുപോലെ ഇവിടത്തെ നാമിനേറേഡ് മെമ്പറന്മാരുടെയും അഫിഷ്യൽ മെമ്പറന്മാരുടെയും തെരഞ്ഞെടുക്കപ്പെട്ടവരുടെയും സംയോജിച്ചുള്ള ഒരു നിയമനിർമ്മാണമാണ് ഇവിടെ നടക്കുന്നത്. തെരഞ്ഞെടുക്കപ്പെട്ട മെമ്പറന്മാർക്കു സാധുക്കളായ കർഷകരെ സംബന്ധിച്ചു കൂടുതൽ ഉത്തരവാദിത്വം ഉണ്ടെന്നാണ് എന്റെ വിശ്വാസം. ചില കമ്മിറ്റികളിൽ നാമിനേറേഡ് മെമ്പറന്മാർ ഭൂരിപക്ഷമായി തീരുകയും തെരഞ്ഞെടുക്കപ്പെട്ട മെമ്പറന്മാർ ന്യൂനപക്ഷമായി തീരുകയും ചെയ്യുന്നതുകൊണ്ടു പൊതുജനങ്ങളുടെ താൽപ്പര്യത്തിനു വിഘാതമായ നിയമനിർമ്മാണം നടക്കുകയും ചെയ്യുന്നു.

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PRESIDENT : That certainly is a reflection on the character of the members of the House. Honourable member should not make it. If I understood him correctly, it means that on account of the vicissitudes of election, those who have been elected happen not to pay any attention to the needs of the *Kharshakas*. That is not fair. The honourable member will not persue that point.

MR. P. M. VARGHESE : ഇത് ഞാൻ പറയുവാൻ കാരണം ഇന്ന്, എന്റെ സ്നേഹിതൻ മി. ഈ. കെ. മാധവൻ മറൊരു ഉപക്ഷേപത്തെ സംബന്ധിച്ച് സംസാരിച്ചപ്പോൾ ടെക്സ്റ്റയിൽ കമ്മിറ്റിയുടെ ഒരു മീറ്റിംഗുകൂടി നിശ്ചയം പാസാക്കിയെങ്കിലും അതു സംബന്ധിച്ച റിപ്പോർട്ട് ഇന്നലെ മാത്രമാണ് ദിവാൻ പ്രസിഡൻറ് അവർകളുടെ അടുക്കൽ കിട്ടിയതെന്നും ഇതുവരെ കാര്യമായ ഒന്നും അതിനെപ്പറ്റി പ്രവർത്തിച്ചിട്ടില്ലെന്നും കേട്ടപ്പോൾ ഏനിക്കുണ്ടായ സങ്കടമാണ്. ആഹാരം, വസ്ത്രം ഇവ മനുഷ്യർക്ക് വളരെ പ്രധാനമായ സംഗതികളാണ്. ഞാൻ രാജാപ്പുക്കുമുൻപു എറണാകുളത്തു ചെന്നപ്പോൾ അവിടെയുള്ള രണ്ടുമൂന്നു ജവുളിക്കടകളിൽ കയറി രണ്ടുവാര തുണിവേണമെന്നാവശ്യപ്പെട്ടു. റേഷൻ കാർഡില്ലാതെ തുണി തരുകയില്ലെന്നാണ് അവർ പറഞ്ഞത്. സർ, ആഹാരസാധനത്തിനു ഒരാൾക്കു നേരിട്ടപ്പോൾ ഇവിടെ കംപ്ലീറ്റ് റേഷൻ നടപ്പിലാക്കി.

PRESIDENT : How does it arise out of "Legislative Bodies" ?

MR. P. M. VARGHESE : സർ, ചോദ്യങ്ങൾക്കുള്ള ഉത്തരം തലേദിവസം സഭ കൂടുന്നതിനുമുമ്പുതന്നെ ഞങ്ങൾക്കു കിട്ടുന്നതിനു ഏർപ്പാടു ചെയ്താൽ കൊള്ളാം. അങ്ങിനെ ചെയ്താൽ അവയെവച്ചുകൊണ്ടു കൂടുതൽ ഉപചോദ്യങ്ങൾ ചോദിക്കാനുള്ള സൌകര്യം ഞങ്ങൾക്കുകിട്ടുന്നതാണ്. ഇപ്പോൾ വൈ ഫോർ മിനിട്ടുകൊണ്ടു മുമ്പാണ് ഉത്തരങ്ങൾ കിട്ടുന്നതു്. അതുകൊണ്ടു ഉപചോദ്യങ്ങൾ ചോദിക്കുന്നതിനു ഞങ്ങൾക്കു തരുന്നുവാനുള്ള സമയം കിട്ടുന്നില്ല.

MR. M. K. NILAKANTAH: സർ, നിയമസഭാസാമാജികന്മാരുടെ അവകാശാധികാരങ്ങളെ സംരക്ഷിക്കുന്നതിനുവേണ്ട ഉപദേശം നൽകുന്നതിലേക്കു ഒരു കമ്മറ്റി ഏർപ്പെടുത്തണമെന്നുള്ള ബഹുമാനപ്പെട്ട മെമ്പർ മി. റ്റി. പി. വേലായുധൻപിള്ളയുടെ ഉപക്ഷേപത്തോടു ഞാൻ അനുകൂലിക്കുന്നു. അതോടുകൂടി നിയമസഭാസാമാജികന്മാരുടെ അണറേറിയം സംബന്ധിച്ചു എനിക്കു ഒരു വാക്കു പറയാനുണ്ടു. നിയമനിർമ്മാണസഭയിൽ ഏർപ്പെട്ടിരിക്കുന്ന കമ്മറ്റിക്കാർ അവരുടെ ജോലി

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യഥാകാലം നിവ്വഹിക്കാതിരിക്കുന്നതുകൊണ്ടുള്ള പ്രതിബന്ധം ഗവണ്മെന്റിനെ അഭിമുഖീകരിച്ചിട്ടുണ്ടെന്നും ദിവാൻപ്രസിഡന്റും അവർകൾചെയ്ത പ്രസ്താവനകൊണ്ടു മനസ്സിലാക്കാൻ കഴിഞ്ഞിട്ടുണ്ട്. ആ നിലയ്ക്കു ആണറേറിയത്തെ സംബന്ധിച്ചു നിലവിലിരിക്കുന്ന വ്യവസ്ഥയിൽനിന്നും എന്തെങ്കിലും ഭേദഗതിചെയ്യണോ വേണ്ടയോ എന്നുള്ള സംഗതി ഗവണ്മെന്റിന്റെ ആലോചനയിൽ ഇരിക്കയാണ്. ഞാൻ മെമ്പറന്മാരുടെ ആണറേറിയം കുറക്കുന്നതിനോട് അനുകൂലിക്കുന്നില്ല.

PRESIDENT: Order, order. I shall be obliged, if honourable members would express their opinion on a proposal that is now engaging the attention of the Government. On account of the difficulty experienced by members at the present time of transport arrangements various representations have reached the Government about the travelling allowance of members attending advisory bodies. The Government provisionally have decided that travelling allowances may be given for all purposes excepting for Legislative sessions. The remuneration intended for the members of the Legislature is for the purpose of fulfilling their functions as members of the Legislature. If honourable members are elected to advisory bodies and Select Committees, they would be given travelling allowances. That is the provisional suggestion which is also the proposal obtaining in the Government of India. I would be thankful if the honourable members would express their concurrence or variation from that proposal.

MR. M. K. NILAKANTAN: ഗവണ്മെന്റിന്റെ ഈ നിർദ്ദേശത്തിൽ, ഞാൻ ഇവിടെ ചൂണ്ടിക്കാണിക്കണമെന്നു ഉദ്ദേശിച്ച പല സംഗതികളും അടങ്ങിയിരിക്കുന്നതുകൊണ്ടു അതിനെപ്പറ്റി കൂടുതലായി ഒന്നും എനിക്കു പറയുവാനില്ല. ഇപ്പോൾ ഇരിക്കുന്ന ആണറേറിയത്തിനു പുറമെ മെമ്പറന്മാർ സെലക്ട് കമ്മറിറികൾക്കും അഡ്വൈസറിക്കമ്മറിറികൾക്കും ഹാജരാകുന്ന അവസരത്തിൽ അതിലേക്കു് അവർക്കു പ്രത്യേകം റവ. എ. യും ബാറ്റായും കൊടുക്കുന്നതാണെന്നുള്ള ഗവണ്മെന്റിന്റെ താൽക്കാലികതീരുമാനത്തോടു് ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു.

MR. CHAZHIKATTU JOSEPH: സർ, മെമ്പർമാർക്കു് ഇപ്പോൾ കൊടുത്തുവരുന്ന ആണറേറിയത്തിനു പുറമേ കമ്മറിറികളിൽ ഹാജരാകേണ്ടി വരുമ്പോൾ, അതിലേക്കു പ്രത്യേകം റവ. എ. കൂടി കൊടുക്കാമെന്നു് ഗവണ്മെന്റിൽ നിന്നു പ്രൊവിഷണലായി കൊണ്ടുവന്ന നിർദ്ദേശം അംഗീകരിക്കുന്നതിൽ വിരോധമില്ലെന്നു എനിക്കു തോന്നുന്നു.

MR. P. O. THOMAS: Will it avoid the clamour for entering into the committees.

MR. CHAZHIKATTU JOSEPH: ഇപ്പോൾ ക്ലാമർ ഉണ്ടെന്നതിനെക്കുറിച്ചു ഞാൻ വിചാരിക്കുന്നില്ല.

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MR. P. O. THOMAS: Will the honourable member be pleased to remember that the Dewan said that there was clamour for entering the committees

MR. CHAZIKATTU JOSEPH: അഭ്യക്ഷസ്ഥാനത്തുനിന്ന് ക്യാമർ ഉണ്ടെന്ന പറഞ്ഞതുകൊണ്ടാണ ഞാൻ ഇങ്ങനെ പറഞ്ഞെയ്: വാസ്തവത്തിൽ അതിനെപ്പറ്റി ക്യാമർ ഉണ്ടെന്ന വിചാരിക്കുന്നില്ല.

MR. K. K. CHELLAPPAN PILLAI: Sir, the question of privileges about which my honourable friend Mr. Velayudhan Pillai just now spoke was of course raised by me in regard to the "Kaumudi" three days ago, and now certainly the proposal for the institution of a committee for privileges is advisable and quite welcome.

In England, as I stated the other day, as well as in America, it has grown by practice and usage, but here, as the President has ruled, it has certainly to be done by legislative enactment. In the Imperial Assembly also recently a Bill was introduced for such a matter as privileges. I do not know whether it was passed.

PRESIDENT: Not yet. It was sent for publication.

MR. K. K. CHELLAPPAN PILLAI: Sir, with regard to this, I may say that we are clamouring for privileges but what about the duties of the members of the Legislature? I am very serious about that also. In England, the duties have grown and in America, they have been defined. There are cases in those places where malpractices of members have been taken note of and the members punished for their misdemeanours. There are instances related in May's Parliamentary practices where persons have been punished and for favouring certain legislation in return for money for carrying certain clients with them. One thing I must say, Sir, that the members have lost totally their influence in their constituencies as on former occasions. It is the feeling of the people that the members do not feel their responsibility to them and that they are venal and so on. I am referring to the reputation many members have in the country. If you go over to the country, you will hear the people speaking about.....

PRESIDENT: The honourable member is skating on very thin ice.

MR. K. K. CHELLAPPAN PILLAI: Sir, I also say it is unfortunate, it is regretable and it is deplorable. When we speak about the officials, we have to say about the non-officials also. Of course, about the cause thereof, and the development thereof, we need not talk at present. Any how, it is felt when we go to the country that this has been caused by the conduct of many past members.

MR. T. K. NARAYANA PILLAI: May I know whether the honourable member is speaking about his constituency or about any other constituency?

MR. K. K. CHELLAPPAN PILLAI: Sir, I am speaking of mine as well as several other constituencies in general. I talk only of the reputation the members have engendered throughout the country in general.

MR. T. K. NARAYANA PILLAI: So far as the constituency in and around Trivandrum is concerned, may I know the source of information of my honourable friend.

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MR. K. K. CHELLAPPAN PILLAI: If my honourable friend is so very susceptible, I shall enquire.....

MR. T. K. NARAYANA PILLAI: Will he then confine his remarks to his constituency?

MR. K. K. CHELLAPPAN PILLAI: Sir, my friend is aggrieved and agonised; I do not know why.....

PRESIDENT: The honourable member is evidently suggesting that the members of the House, at least some members of the House, are venal-that was the expression he used. Does he think he is right in making that usage unless he is able to substantiate?

MR. K. K. CHELLAPPAN PILLAI: Sir, I do not make a general charge. I was only speaking that some of the members have been getting notoriety because of their conduct.

PRESIDENT: I do not rule it out of order, but honourable member cannot possibly attack an institution as much or attribute motives to the members of the Legislature No person's character is sacrosanct, and the honourable member cannot impute motives to the Legislature as such. But if honourable member wishes to attack the conduct of any other member, he is at perfect liberty to do so. The honourable member will probably remember that not very long ago, in the case of the Prime Minister, Mr. Churchil and his son-in-law, Duncan a very definite charge was made and it formed the subject matter of a definite debate. But the question is, whether it is in the best interests of the Legislature, unless it be that he has substantial data to prove it.

MR. K. K. CHELLAPPAN PILLAI: Sir, I did not refer to anything definite, but I can do it if pressed for it. I do not back out or fight shy..

MR. T. K. NARAYANA PILLAI: If he does not mean a definite thing, does he not feel that he owes a duty to this House to be definite?

MR. K. K. CHELLAPPAN PILLAI: Sir, I shall be definite if called upon to do so. About that, there is no argument necessary. I speak from the agony of my soul (laughter), having felt so deeply about it. Having come here as representatives of the people and having been given so much facility to talk of the needs of the people, we do not utilise the opportunities. There are so many committees; so many things to do, but the members of the Legislature it is said, are taking people for getting them transfers and are doing so many other things, for small and big remuneration so much so that it is stated in the country that the members are not coming here to express the grievances of the people but for making their own ends and making fortunes. Sir, I want to see that definite duties are defined for the conduct of members of the Legislature.

PRESIDENT: How can any committee of privileges lay down any definite duties? I think no committee of privileges can lay down any abstract doctrine of honesty which can be carried out by the members.

MR. K. K. CHELLAPPAN PILLAI: Sir, as we lay down definite principle of privileges, we must define duties also by law.

PRESIDENT: What are the duties laid down in Parliament? Is it that people should not take other people for transfer?

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MR. K. K. CHELLAPPAN PILLAI: Yes, Sir something like that against making a profit out of their status and position as members not against getting transfers as a matter of justice and fairness. A Bill may be introduced that members taking bribes for doing some help or favouring a client or for trying to favour a legislation etc., may be made punishable, under law as instanced in May's Parliamentary Practice.

MR. G. PARAMESWANAN PILLAI: സർ, മെമ്പറന്മാർ സെലക്ട്കമ്മറ്റിക്ക് ഹാജരാകുമ്പോൾ അതിലേക്ക് പ്രത്യേകം റി. എ. കൊടുക്കുന്നതാണെന്നേ മറും കണ്ടിച്ചുകൊണ്ട് അദ്ധ്യക്ഷസ്ഥാനത്തുനിന്നും കൊണ്ടുവന്ന പ്രമേയത്തോട് ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു.

MR. K. A. MATHEW: അതിലേക്ക് എന്തു പ്രമേയമാണ് അദ്ധ്യക്ഷസ്ഥാനത്തുനിന്നും കൊണ്ടുവന്നത്?

MR. G. PARAMESWARAN PILLAI: ആണറേറിയത്തിനു പുറമേ സെലക്ട് കമ്മറ്റിയിൽ ഹാജരാകുന്നവർക്കു റി. എ. യും മറും കൊടുക്കണമെന്നാണ് ആ പ്രമേയത്തി.

സർ ഇതോടുകൂടി ഒന്നുരണ്ടു കാര്യങ്ങൂടം പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നു. ബഡ്ജറിനെപ്പറ്റിയുള്ള ധനപ്രതിവാദം ആരംഭിക്കുന്നതിനുമുമ്പു് അങ്ങ് ഒരു പ്രസ്താവന ചെയ്കയുണ്ടായി. അതായത് എല്ലാ മെമ്പറന്മാർക്കും ബഡ്ജറിനെപ്പറ്റി പറയുന്നതിനുള്ള അവസരം ഉണ്ടാക്കുന്നതിനുവേണ്ടി, ഓരോ മെമ്പർക്കും പതിനഞ്ചു മിനിട്ടുവീതം ഉണ്ടായിരിക്കുമെന്നും, അതുകൊണ്ടു് ആരും ഈ മിനിട്ടിൽ കൂടുതൽ പ്രസംഗിക്കരുതെന്നും മറും അരുളിയിരുന്നു. എന്നാൽ ബഡ്ജറിനെപ്പറ്റി പറയുന്നതിനുള്ള സന്ദർഭം എനിക്കും എന്നെപ്പോലെ മറും പലർക്കും ലഭ്യമായില്ല. അതുപോലെ ഡിമാൻഡുകൾ വന്നപ്പോൾ, അവയെപ്പറ്റി സംസാരിക്കുവാൻ കട്മോഷൻ അവതരിപ്പിക്കുന്നു് ആളിന് പത്തു മിനിട്ടും, അല്ലാത്തവർക്കു് അഞ്ചുമിനിട്ടും വീതം സമയം അനുവദിക്കുന്നതാണെന്നും ഉപക്ഷേപം അവതരിപ്പിക്കുമ്പോൾ പ്രാദേശികാവശ്യങ്ങളെപ്പറ്റിയും ജനങ്ങൾ പാലിയെക്കുറിച്ചും സംസാരിക്കുവുന്നതാണെന്നും നിർദ്ദേശിക്കയുണ്ടായി. എന്നാൽ ഈ നിർദ്ദേശങ്ങൾ കൊണ്ടും ഫലപ്രദമാക്കാൻ കഴിഞ്ഞില്ല. പല മെമ്പറന്മാരും ഒരു മിനിട്ടുമുതൽ രണ്ടു മിനിട്ടുവരെ സമയം ഓരോ ഉപക്ഷേപത്തെപ്പറ്റി സംസാരിക്കാനായി ഉപയോഗിച്ചിട്ടുണ്ട്.

PRESIDENT: Order. Order. That is a reflection on the chair and it is not permitted.

MR. G. PARAMESWARAN PILLAI: സർ, അങ്ങനെ ഉദ്ദേശിച്ചല്ല ഞാൻ പറയുന്നതു്. മേലാലെങ്കിലും മറുള്ളവർക്കുകൂടി പ്രതിവാദത്തിൽ

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പാക്കൊള്ളുവാൻ അവസരം കിട്ടത്തക്കവണ്ണം ക്ലിപ്തസമയത്തിനുള്ളിൽ ഓരോ മെമ്പറന്മാരും ഇത്രമിനിട്ടിൽക്കൂടുതൽ സമയം എടുക്കരുതെന്നു അങ്ങു നിർബന്ധിക്കണമെന്നാണു ഈ അവസരത്തിൽ എനിക്കു പറയാനുള്ളതു. ഇതിൽ കൂടുതലായി ഒന്നും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. T. K. NARAYANA PILLAI: Sir, It is very difficult for me to feel enthusiastic about the cut motion of Mr. Velayudhan Pillai. He wants a committee of privileges to be instituted. I do not know what useful purpose such a committee is going to serve within the four corners of the constitution as we are now having. Under the constitution, you, Sir, as the Dewan of the State is the President of the Assembly and you are constituted the custodian of the privileges of this house. Within the four corners of the provisions of the Statute and the rules and standing orders, no fair-mined person would think that the privileges as they exist have not been upheld.

But what are the privileges to be upheld? They are very attenuated in their character so much so it is difficult for us to put forward the view points of our constituents before this House in all their true form and vigour. It is unfortunate, but the statute makes provisions only to that extent, and therefore time and again it has been urged before the Government that we must have a non-official President. No doubt the constitution does not provide for that and the position of the President as it is, is this. He is in a position, where with the utmost fairness in the world, he deems his duty is in conflict with what I may be permitted to call 'interest.' As president you have to adjudicate upon certain matters and when there is adjudication by one person whose interest conflicts with duty, however fairmindedly the adjudication is given, those to whom the adjudication is given will not feel that proper verdict has been given and as such it is only in the fairness of things that the present anomalous position is changed and we are given a non-official President. After all, the constitution of the Assembly, does not go far beyond the Morley-Minto Reforms Act. In British India the people have gone far beyond it. We claim that we are the most educated people in the whole of India. Is it then proper? Is it fair that we who have got such a high percentage of literacy, should have a constitution with such attenuated powers? Therefore, I pray, Sir, to use your undoubted influence so that at no distance of time we may have a constitution in which there is a non-official President.

MR. A. P. UDAYABHANU (*Karunagapally* cum *Karthigapally*): I am not going to enter into unfortunate generalisations but I must most passionately plead for the conventions for which my honourable friend, Mr. P. O. Thomas, was speaking here—the conventions by which the Dewan-President, even though it is within his province to interfere in every discussion and explain the policy of the Government, must not

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[Mrs. A. P. Udayabhanu.]

exercise that power against promoting a fair and proper discussion in this House. For me it often strikes as a class room. The students stand up and put forward their view; then the teacher stands up and explains the subject; and so this House is something like a class-room. That is how the matter strikes me. I do not think it is in the interest of a fair and proper discussion that the Dewan interferes. Sir, under the constitution, you have got powers to interfere and my learned friend, Mr. Sankaranarayanan Tampi, had raised it as a point of order and you have definitely replied that it is within your province to interfere.

PRESIDENT: Order, order. It is quite easy to establish the convention, but the honourable members will realise what that convention will mean. Assuming that the Dewan does not explain the policy on any particular question or on any particular resolution and keeps absolutely silent. The Treasury Bench either explains or does not explain. Any resolution or any step taken by this House is overruled, or not really heeded by the Government because of all those considerations of policy which are within the contemplation of Government but which have not been explained on the floor of this House. It is quite open to the House to say that you would have the decision without the explanation in the House or without any explanation at all, or with the explanation; the whole matter is entirely one of choice.

MR. A. P. UDAYABHANU: My point is about the high salaries we pay to those gentlemen, and those gentlemen must be capable of understanding the mind of the Government. They must be people who are competent to explain and expound the policy of Government.

PRESIDENT: Order, order. That is the whole point, that the honourable member has apparently misunderstood and misconceived. As I have always stated, there is no difference—when the Dewan is explaining the policy of the Government as apart from exercising the functions of the Chair—there is no difference between the Dewan and any Secretary to Government in that matter. Every Secretary to Government is, to the extent of his Departmental jurisdiction, explaining the policy of Government as a whole. The Government can agree with that statement. Similarly the Dewan is also explaining the policy of Government. There is no difference between the exposition of the policy of Government by the Secretary and by the Dewan and if the expositions of the Secretary can be attacked, so can the expositions of policy by the Dewan be attacked. I have directed and have definitely ruled it more than once that excepting as Chairman, giving ruling on points of order, my statement of policy is open to controversy and canvassing on the floor of the House by any member in the same manner and to the same extent as any statement made by any Secretary.

MR. A. P. UDAYABHANU: The exposition of the members will not be allowed to come to its logical conclusion because when the Dewan stands up, they have to yield and Sir, that will be an interruption by the President.

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PRESIDENT : If anybody stands up, the honourable member will yield or not. That again is a matter of constitutional privilege, because when the Dewan-President gets up, everybody else will have to sit. That is a position which cannot be avoided.

MR. A. P. UDAYABHANU : To eliminate it, I am passionately pleading for the establishment of a convention by which the Dewan would not use his position as President. And as Mr. T. K. Narayana Pillai was pointing out, often, duties come into conflict with interests. That point also must be borne in mind. I think if the Secretaries to the Government are not capable of explaining the mind of the Government in spite of the high salaries they are earning.....

(At this stage Mr. G. N. Tampi stood up)

I am not going to yield because you are not the President and that is what I want to establish in this house The Treasury Bench must be in a position to explain the point and not the Dewan. If not, the Secretaries will be found incapable.

Another point that I have to bring before the House is that when we are pleading for the institution of an Advisory Committee for textiles, an Advisory Committee was elected from both the houses, but a good many were co-opted to the committee by the Government. It is like Trivandrum milk. One ounce of milk diluted with a gallon of water. (A voice : hear, hear). The elected members are in a pitiable minority when co-opted members are in a majority. This is like diluted milk. What is the purpose of electing members when they are going to be diluted? That is a pathetic position.

Some of the newspapers are giving misleading reports of the proceedings of this House. It is a gross mistake, though I do not say it is a wilful one. Yesterday a gentleman was pointing out to me a report published in 'Kerala Kaumudi' to the effect that the Dewan was saying that he will not tolerate students discussing politics even within the four corners of their Colleges and Schools. I think it is in direct contradiction to the statement made by the Chair. Such misreporting is taking place in some of the newspapers and I want to place that point before the Chair.

As regards the question of remuneration to the members, we want to sit as lightly as possible on the finances of the country. We are not asking for any further increase.

PRESIDENT : It is quite open to the honourable members, just as the Deputy President has done and very many members in other Legislatures have done, to say whether they will draw or will not draw the remuneration. Speaking for myself, I do not want any remuneration either it be Rs. 1,000 or by way of any travelling allowance.

MR. A. P. UDAYABHANU : We are trying to sit as lightly as possible on the finances of the country and I think that the honourable members of the Treasury Bench also will take to that policy and will not clamour for higher salaries at the inflated rates, and which we have to vote upon.

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PRESIDENT: That is out of order.

MR. E. K. MADHAVAN: എന്റെ ബഹുമാന്യസ്നേഹിതൻ, മി. ഉലയ മാന പറയുകയുണ്ടായി; പത്രക്കാർ, പ്രസിഡന്റ് അവർകളുടെ പ്ര സംഗത്തെ തെറ്റി റിപ്പോർട്ട് ചെയ്തുവെന്നു. എന്നാൽ എനിക്കു പ റയുവാനുള്ളതു ഇവിടെ ഇരിക്കുന്ന ഗവണ്മെന്റ് റിപ്പോർട്ടർമാർ എന്റെ പ്രസംഗത്തെ തെറ്റിതിരുത്തി റിപ്പോർട്ടുചെയ്തുവാണ്ടായിട്ടുള്ളതെന്നാണ്.

PRESIDENT: Are the speeches sent to the honourable members for correction or not?

MR. E. K. MADHAVAN: Yes; they have been sent. But unfortunately they have to be wholly changed.

PRESIDENT: Has the honourable member brought it to the notice of the Chair or Secretary that the corrections have not been carried over to the proceedings?

MR. E. K. MADHAVAN: I had written to the Secretary to the Legislature about this.

PRESIDENT: I am told that you have sent the correct version and that it has been inserted.

MR. E. K. MADHAVAN: No; I have not sent in the correction because the speeches require almost a total change by way of corrections.

PRESIDENT: What is your complaint here?

MR. E. K. MADHAVAN: I wanted to know whether it is possible for me to correct it wholly or part of it alone. I did not get any clarification to this point.

PRESIDENT: Instances are known where Members of Parliament have inserted 'No' wherever they said 'Yes'. (*Laughter*). Some times at the heat of the moment honourable members give vent to certain sentiments in the House which they do not want the public to find out in that way. An element of discretion is allowed to the honourable members by way of correction. If he thinks he has been misreported, he may correct it. The general convention is not to dispute that point. If honourable member says that the world is flat and is reported likewise, the honourable member can say 'I did not say that the world is flat. What I said was exactly the opposite'. He is allowed that liberty. In other Legislatures that has been done. They know very well that the honourable member said something else (*Laughter*) but the member is entitled, so far as the public are concerned, to make a correction.

MR. E. K. MADHAVAN: In my case it was not like that (*Laughter*).

PRESIDENT: Order, order. I was not making any allegation. I said that as a matter of fact it is the convention in all Legislatures that after having made speeches in the House, honourable members

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sometimes think differently and correct their speeches accordingly. They are allowed to correct what they intended to say but what they failed to say in the House. That is generally the convention

MR. E. K. MADHAVAN: Since you have given that clarification, I do not wish to say anything further on the matter.

I would like to bring to the notice of the President one or two salient factors that are necessary for the better working of this Legislature. One is that members belonging to different constituencies will have different opinions to be expressed on different matters and for that, during the budget speeches, members should be given opportunities for expressing their opinion, and I am unfortunately one of the few who got no occasion to do so, either this year or in the last year. I have written to the President but I was not given a chance yet. I have been denied the right of expressing the views of my constituency regarding matters of public importance.

PRESIDENT: I find that the honourable member has spoken already.

MR. E. K. MADHAVAN: I was not given any opportunity to speak on the budget even last year or during this time. So I would request the President.....

PRESIDENT: I will remember it next year. (*Laughter.*)

MR. E. K. MADHAVAN: About the honorarium, I have nothing to say. But since the Government have considered the desirability of giving travelling allowances, I think there will be a great clamour for attending the Committees in future.

PRESIDENT: The House will now adjourn and meet again at 12 noon tomorrow.

Trivandrum,
30th July 1945.

S. VAIDYANATHA AIYAR,
Secretary to the Sri Mulam Assembly.

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